THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :27792 of 2007

DATED:31-12-2007

BETWEEN:

Shaik Lalbi.

..... PETITIONER

AND

The District Collector,
Ongole,
Prakasam District & 2 others.

.....RESPONDENTS

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ORDER:

Heard learned counsel appearing for the petitioner as well as the learned Government Pleader for Revenue appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the proposed action of the respondents in any way highhandedly dispossessing the petitioner from the possession and enjoyment of the land in an extent of Ac.2.00 of land in Sy.No.540, Madanur village, Kothapatnam mandal, Prakasam District without following due process of law, as illegal, and arbitrary.

3. It is the case of the petitioner that an extent of Ac.2.00 belonging to the Government was assigned to her vide provisional assignment order, dated 16-04-1991, in Rc.H.4/524/91 pending finalization of the other proceedings for conversion of the poramboke land and for sub-division of the same. It is not known whether the provisional assignment has been confirmed or not. Even if it is assumed there is no final assignment and also even if the petitioner is in possession of the said land as an encroacher also he cannot be evicted without following due process of law under the A.P.Land Encroachment Act, 1905.

4. Having regard to the facts and circumstances respondents 2 and 3 are directed not to dispossess the petitioner if he is in possession of the said land without following due process of law.

5. Accordingly, Writ Petition is disposed of. No order as to costs.

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V.ESWARAIAH,J

31st December, 2007.
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